

**CIVIL DOCKET**  
**UNITED STATES DISTRICT COURT**

**Jury demand date:**

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
<p>PETER J. BRENNAN, Secretary of Labor, United States Department of Labor</p> <p>vs</p> <p>TUL-TRUK, INC., a corporation; OKLAHOMA TANK LINES, INC., a corp., RALPH EDWARD JUDY, an individual; and KEITH PRICE, an individual</p>				<p>For plaintiff: <sup>(8)</sup>214-749-3482 William J. Kilberg, Solicitor of Labor George T. Avery, Regional Solicitor James F. Gruben, Attorney Rm. 7C-52, 1100 Commerce Street Dallas, Texas 75202</p> <p>Gordon Abel</p> <p>For defendant: 664-7020 <del>James L. Edgar (Tul-Truk &amp; Judy)</del> <del>Edgar &amp; Manipella</del> <del>6111 E. Skelly Dr. 44135</del> <del>Tulsa, Oklahoma</del></p> <p>Edward E. Soule (Ok. Tank &amp; K. Price) Lytle Soule &amp; Emery 2210 First National Center Ok. City, Ok. 73102 AND Peter T. Van Dyke (405-235-7471)</p> <p>John M. Freese (Tul-Truk &amp; Judy) 700 Mid-Continent Bldg. Tulsa, OK 74103 582-3164</p>			
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 11/1/74		Clerk					
J.S. 6 mailed 10-1-76		Marshal					
Basis of Action: Fair Labor Standards Act		Docket fee					
		Witness fees					
Action arose at:		Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-31-74	1. Complaint, filed. Summons issued. g	
10-31-74	2. Interrogatories to Tul-Truk, Inc., filed. g	
10-31-74	3. Interrogatories to Oklahoma Tank Lines, Inc., filed. g	
11-21-74	Summons, ret. & filed: served TUL-TRUK, Inc., & Ralph Edward Judy, President, Tulsa; served Oklahoma Tank Lines, Inc. & Keith Price, Okla. City, all on 11-14-74. (USM \$33.52)g	
11-26-74	4. Interrogatories of defts. Okla. Tank Lines, Inc., and Keith Price, filed. lm	
11-26-74	5. Motion for extension of time to answer complaint, filed by Defts. Tul-Truk, Inc., and Ralph Edward Judy. v -o to be in.	
11-27-74	6. ORDER, filed, granting 30 days (12-27-74) in which to ans. complaint, (AEB-J)jj copies mailed	
12-4-74	7. ANSWER of Oklahoma Tank Lines, Inc. and Keith Price, filed. g	
12-10-74	8. Defts.' Tul-Truk, Inc. & Ralph Edward Judy Interrog., filed. k	
12-19-74	9. Answers of debt. Okla. Tank Lines, Inc. to interrogatories, filed. g	
12-26-74	10. Answers to plaintiff's interrogatories (Tul-Truk, Inc.), filed. hm	
12-26-74	11. Answer of defts. Tul-Truk, Inc. and Ralph Edward Judy, filed. hm	
1-7-75	12. Plaintiff's answers to defts' interrogatories, filed. g	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
2-28-75	MO: Case set for pre-trial hearing 4-3-75 at 1:15 p.m. (HDC-J)hm	
3-12-75	13. Interrogatories of OTL & Keith Price to Defts. Tul-Truk, Inc. & Ralph E. Judy, fld. v	
3-12-75	14. Request for Production of Documents to Defts. Tul-Truk & Ralph E. Judy, fld. v	
3-13-75	15. Amended answer of defts. Okla. Tank Lines & Keith Price, filed with leave of Court. (HDC-J)	
4-1-75	16. Pretrial memo of defts. Okla. Tank Lines & Price, filed. rm	
4-3-75	MO: Pre-trial hearing held. Statements made. Govt's pre-trial memorandum, filed in open court. Pltff. to examine possibilities of dismissing this case and interpleading debt. Tul-Truk in companion case filed in West. Dist. of Okla., and notify Court by 4-7-75. If case not dismissed, parties to file trial briefs within 10 days. (HDC-J)	
4-3-75	17. Govt's pre-trial memorandum, filed. hm	
4-14-75	18. Motion of defts. Tul-Truk & Judy for ext. of time in which to file trial brief, filed. hm	
4-14-75	19. Motion of defts. Tul-Truk & Judy for ext. of time to ans. defts' interrog. & to produce documents, filed. hm	

(Cont.)

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-15-75	20. Order, filed, granting defts. Judy & Tul-Truk until 4-30-75 to ans. interrog. & produce documents & to file trial brief. (HDC-J)hm (copies mailed)	
4-30-75	21. Mo/defs., Tul-Truk and Ralph Judy, for ext. of time to file trial brief, filed. rm	
4-30-75	22. Mo/defs., Tul-Truk and Ralph Judy, for ext. of time to ans. interrogatories and produce documents, filed. rm	
4-30-75	23. ORDER, filed granting deft. Tul-Truk, Inc. and Ralph Edward Judy a 14 day ext. to file trial brief. (HDC-J)g	
4-30-75	24. ORDER, filed, granting defts. Tul-Truk, Inc. and Ralph Edward Judy a 14 day ext. to answer interros and produce documents. (HDC_J)g	
5-7-75	25. Motion to dismiss of defs., Tul-Truk and Ralph Judy, filed. rm	
5-7-75	26. Brief in support of mo/dismiss, filed. rm	
5-7-75	MO: Ordered by the Ct. that pltf. is granted 10 days to file response to mo/dismiss of defs. Tul-Truk and Ralph Judy. (HDC-J)rm-letter	
5-15-75	27. Mot. of Defts. Tul-Truk & Ralph Edward Judy for extension of time to ans. Defts. OK Tank Lines & Keith Price's Interrogatories and to Produce Documents, filed. v (o)	
5-15-75	28. Mot. of Defts. Tul-Truk & Ralph Judy for ext. of time in which to file trial brief, filed. v (o)	
5-16-75	29. Order Allowing Defts Tul-Truk, Inc., & Ralph Edward Judy Extension of 30 days to File Trial Brief, filed.(HDC-J)b cps mld	
5-16-75	30. Order Allowing Extension of 30 days Time to Answer Defts' Interrogatories & to produce documents, filed.(HDC-J)b cps mld	
5-22-75	31. Motion of Okla. Tank Lines, Inc. & Keith Price to dismiss, and response to mo/dismiss of Tul-Truk & Ralph Edward Judy, filed. hm	
5-22-75	32. Brief in support of motion of Okla. Tank Lines & Keith Price to dismiss, & response to motion/dismiss of Tul-Truk & Ralph Edward Judy, filed. hm	
9-8-75	33. Order, filed, for pltf. to show cause within 5 days why the Ct. should not dismiss case for failure to respond to mo/dismiss of def. Tul-Truk & Judy.(HDC-J)rm-copies to counsel	
9-15-75	34. Response to Order to Show Cause, filed. lm	
9-17-75	35. Order, filed, Sustaining Mtn. to Dismiss Okla. Tank Lines, Inc. and Keith Price and Overruling Mtn. to Dismiss Tul-Truk, Inc. and Ralph Edward Judy.jj copies mailed	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 12:45 p.m. (HDC-J)hm	
11-10	MO: Pre-trial hearing held. Statements made. Pltf. to prepare pre-trial order after taking of depositions and file by 12-30-75. PT memorandum filed in open court. Parties to file briefs on questions of law, along with PT order, unless case settled by	

DATE	PROCEEDINGS	Date Order or Judgment Note
	then. Case set for non-jury trial 2-24-76 at 10:00 a.m. (EST-1 day) (HDC-J)hm	
11-10	36. Pre-trial memorandum, filed. hm	
11-10	37. Pre-trial memorandum of defts. Tul-Truk and Judy, filed. hm	
<u>1976</u>		
	of Pltf.	
1-9-76	38. Motion/for Ext. of Time within which to File Trial Brief and PT Order until 2-6-76.jj O to J	
1-12	39. Order, filed, that parties are granted until 2-6-76 to file trial briefs and pretrial order. (HDC-J)v -cps. mld.	
1-22	40. Motion of James L. Edgar and Stephen A. Milligan, attys. for deft., to withdraw on grounds that defts and movants have agreed to terminate their relationship as atty and client, filed. lm (o to J)	
1-30	41. Entry of appearance of John M. Freese for defts. Tul-Truk, Inc. and Ralph Edward Judy, filed. ph	
1-30	42. Motion of defts. for continuance of trial setting, filed. ph	
1-30	MO: Case set for hearing on mo. to wighdraw as attys. of record of James L. Edgar and Stephen A. Milligan; and defts'mo. for continuance of trial setting at 10:00 a.m., Friday, 2-6-76. (HDC-J)ph cps mld	
2-5	MO: Case stricken for hearing on 2-6-76. (HDC-J)ph cps mld & pts. called.	
2-9	43 Mot. of pltf. for continuance of trial setting, filed. g	
2-10	MO: Ordered by the Court that mo/withdraw of James L. Edgar and Stephen A. Milligan as attys. for defts. is hereby sustained; case stricken from trial setting of 2-24-76 and reset for N/J trial on 4-14-76 at 9:30 a.m.; PT order and trial briefs to be filed no later that 3-31-76; and further ordered that no further motions for continuance will be entertained. (HDC-J)hm (letter written parties)	
3-31	44 Pltf's. Memo of Authorities, filed.	
4-8	45. Pre-Trial order, filed. ph	
4-8	MO: Informal hearing held in chambers. Parties represented. Court bifurcates case on 3 issues: employer-employee issue, exemption & issue of Okla. City case. Parties to file stip. of facts within 20 days; simultaneous briefs within 30 days thereafter & responses 10 days thereafter if desired. Case stricken from N/J assignment of 4-14-76. After final briefs filed, then case submitted for decision. (HDC-J)hm	
5-3	46. Application for Extension of Time of Pltf & Deft to file Stip. of agreed facts herein, filed. t O-J	
5-4	47. Order, filed, granting pltf. until 5-15-76 to file stip. of agreed facts. (HDC-J)ph cps mld	
5-17	48. First supplemental statement of facts of deft & pltf., filed. ph	
6-1	49. Pltf's second memo. of authorities, filed. ph	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-429</u>
Peter J. Brennan		Tul-Truk, Inc., et al	PAGE ____ OF ____ PAGES
DATE 1976	NR.	PROCEEDINGS	
7-13	50.	Defts' reply brief to pltf's second memo. of authorities, filed. ph w/leave of Court granting permission to file out of time.	
9-28	51.	Judgment, filed and entered, that judgment be entered in favor of deft Tul-Truk, Inc. and Ralph Edward Judy, an individual, and against pltf. W. J. Usery, Jr., (Successor to John T. Dunlop, Sec. of Labor, US Dept. of Labor. (HDC-J)ph cps mld	

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE \_\_\_\_ OF \_\_\_\_ PAGES